

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

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PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing
(day/month/year) 28 JUNE 2004 (28.06.2004)

Applicant's or agent's file reference
OP04-1022

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/KR2004/000722

International filing date (day/month/year)

30 MARCH 2004 (30.03.2004)

Priority date(day/month/year)

04 APRIL 2003 (04.04.2003)

International Patent Classification (IPC) or both national classification and IPC

IPC7 A61K 31/352, A61K 31/7048, A61K 35/78, A61P 37/00

Applicant

CELLMICS CO., LTD. et al

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☒ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/KR



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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

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Box No. 1 Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language: _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

WRITTEN OPINION OF THE
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Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application

☐ claims Nos. _____

because:

☐ the said international application, or the said claims Nos. _____
relate to the following subject matter which does not require an international preliminary examination (*specify*):

☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. _____
are so unclear that no meaningful opinion could be formed (*specify*):

☐ the claims, or said claims Nos. _____ are so inadequately supported
by the description that no meaningful opinion could be formed.

☒ no international search report has been established for said claims Nos. 1-8

☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the
Administrative Instructions in that:

the written form ☐ has not been furnished
☐ does not comply with the standard.

the computer readable form ☐ has not been furnished
☐ does not comply with the standard.

☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with
the technical requirements provided for in Annex C-bis of the Administrative Instructions.

☐ See Supplemental Box for further details.

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	11-12, 14-15	YES
	Claims	9,10,13	NO
Inventive step (IS)	Claims		YES
	Claims	11-15	NO
Industrial applicability (IA)	Claims	9-15	YES
	Claims		NO

2. Citations and explanations :

1 The following documents has been considered for the purpose of this report

D1 = Pharmacol. Res., 40(1), 31-36, 1999

D2 = J. Nat. Prod., 62, 294-296, 1999

2 Novelty

1) Claim 9, 10 and 13 relate to a composition comprising black rice extract for prevention or treatment of allergic diseases such as atopic dermatitis etc.

D1 discloses that black rice extract inhibits the release of histamine causing various allergic diseases, which is same as this invention.

Therefore, claim 9, 10 and 13 in this invention are not considered to be novel.

2) Claim 11-15 relate to a composition comprising peralgonidine, peralgonidine glycoside or cyanidine glycoside for prevention or treatment of allergic diseases such as atopic dermatitis etc.

D1 discloses that black rice extract inhibits the release of histamine causing allergic diseases such as atopic dermatitis etc.

D2 discloses that anthocyanins have anti-inflammatory effect.

None of prior art described that peralgonidine, peralgonidine glycoside or cyanidine glycoside prevent or treat allergic diseases such as atopic dermatitis etc.

Therefore, claim 11-15 in this invention are considered to be novel.

(Continued on Supplemental Box)

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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.
Continuation of :

Box No. V

3. Inventive Step

Claim 11-15 relate to a composition comprising peralgonidine, peralgonidine glycoside or cyanidine glycoside one of the anthocyanines for prevention or treatment of allergic diseases such as atopic dermatitis etc.

D2 discloses that anthocyanines have anti-inflammatory effect.

It is well known that most of allergic diseases results in inflammation such as atopic dermatitis, allergic rhinitis, allergic conjunctivitis etc.

Utilizing various kinds of anthocyanines including peralgonidine, peralgonidine glycoside or cyanidine glycoside for the treatment of allergy diseases causing inflammation as suggested in this invention can be easily invented by skilled person from the fact that anthocyanines including cyanidine have anti-inflammatory effect as disclosed in D2.

Therefore, claim 11-15 in this invention are not considered to involve an inventive step.

4 Industrial Applicability

The subject matter of claims 9-15 is considered to be industrially applicable.